

DECLARATION OF MALLORY L. LYNN

I, Mallory L. Lynn, do hereby declare and state as follows:

1. I am a Section Chief at the Los Angeles Asylum Office, employed by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services ("USCIS"). I have been a Section Chief at the Los Angeles Asylum Office since April 2017. Prior to becoming Section Chief, I was a Supervisory Asylum Officer at the Los Angeles Asylum Office from August 2013 until April 2017. Prior to becoming a Supervisory Asylum Officer, I was an Asylum Officer at the Los Angeles Asylum Office from May 2012 until August 2013. I make the following factual statements based on my personal knowledge. If called as a witness, I could and would competently testify thereto.

2. Among my duties as Section Chief, I oversee the Supervisors and Asylum Officers who adjudicate applications under Section 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA"), Pub. L. No. 105-100 § 203, 111 Stat. 2160, 2193 (1997) amended by the Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-139, 111 Stat. 2644 (1997). Included in my duties is determining when USCIS has jurisdiction to adjudicate an application for benefits under Section 203 of the NACARA.

3. I have reviewed the A-files of the Plaintiffs, Adrian Alexandrov and Tzveta Alexandrov. Adrian Alexandrov filed an application for asylum (Form I-589) on or about November 30, 1990 with the Immigration and Naturalization Service (INS). The Asylum Office denied the asylum application on September 21, 1992. A true and correct copy of the asylum denial is attached to this declaration as Exhibit 1. The Department of Homeland Security issued Notices to Appear to plaintiffs on April 19, 2002, initiating removal proceedings before the Executive Office for Immigration Review (EOIR).

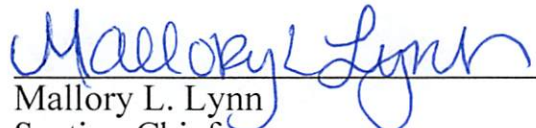
4. I have reviewed the plaintiffs' files and USCIS records and determined that there is no NACARA application pending with USCIS. If such an application were filed with USCIS, USCIS lacks jurisdiction to adjudicate an application for relief under

1 NACARA because the governing regulations require that the principal applicant have an
2 asylum application pending with USCIS at the time they file their NACARA application.
3 8 C.F.R. § 240.62(a)(3). Adrian Alexandrov's affirmative asylum application was
4 denied in 1992. Pursuant to this regulation, USCIS lacks jurisdiction over any
5 NACARA application filed by the plaintiffs after that date.

6 5. Since USCIS lacks jurisdiction to adjudicate NACARA applications, on
7 April 1, 2019, USCIS filed new Notices to Appear on the Immigration Court in Phoenix,
8 Arizona, thereby initiating removal proceedings for the plaintiffs. True and correct
9 copies of the Notices to Appear, as served, are attached to this declaration as Exhibits 2
10 and 3. The Notices to Appear were served on the plaintiffs on March 29, 2019.
11 Pursuant to the regulation 8 C.F.R. § 240.62(b), jurisdiction over a NACARA
12 application vests with the Immigration Court in EOIR upon the service and filing of a
13 Notice to Appear.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed this 3rd day of April, 2019, at Anaheim, California.

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18 Mallory L. Lynn
19 Section Chief
20 USCIS
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